Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Joint Application by BellSouth Corporation)	
BellSouth Telecommunications, Inc.,)	CC Docket No. 01-277
and BellSouth Long Distance, Inc. for)	
Provision of In-Region, InterLATA Services)	
in Georgia and Louisiana)	

**DECLARATION OF SHARON E. NORRIS
ON BEHALF OF AT&T CORP.**

1.   My name is Sharon E. Norris. My business address is P.O. Box 658, Loganville, Georgia 30052. I have been employed in the telecommunications industry for over twenty-seven years. I currently serve as a consultant with SEN Consulting. In that capacity, I have monitored and analyzed, on an ongoing basis, BellSouth's compliance with its obligations to provide AT&T nondiscriminatory access to BellSouth's Operations Support Systems ("OSS").

2.   I previously have been employed by both AT&T and Southern Bell. Prior to retiring from AT&T in 1998, I had been an employee there since 1983, a member of its Law and Government Affairs Division since 1991, and AT&T's representative to the Georgia Public Service Commission ("Georgia PSC") since 1995. From 1973 until 1983, I held various positions in Southern Bell's business offices, business marketing organizations, retail stores, and support staff organizations. I received a degree in Distributive Education from DeKalb College in 1972.

3.   As AT&T's representative to the Georgia PSC, I advocated AT&T's position on issues relating to opening Georgia's local exchange markets to competition. Beginning in 1997, I also began to monitor and analyze BellSouth's compliance with its OSS obligations throughout its nine-State region, a responsibility I continued to maintain when I retired from AT&T.

4.   I have had extensive involvement in the State proceedings in BellSouth's region relating to the development, testing, and evaluation of BellSouth's OSS and other subjects. I have appeared in state workshops in Alabama, Florida, Georgia, Kentucky, Louisiana, North Carolina, South Carolina, and Tennessee that covered a wide range of topics including OSS, performance measures, and third-party testing. I also have testified before the Alabama and South Carolina Public Service Commissions. I have participated in meetings with the Federal Communications Commission (the "Commission") and the Department of Justice on these same issues. I also filed an affidavit with the Commission on behalf of AT&T in Docket 97-231 and have filed affidavits and testimony with state commissions.

Introduction

5.   In this declaration, I will address the third-party testing that has been conducted to date by KPMG Consulting, Inc. ("KCI") on BellSouth's OSS. That testing, while not yet complete, already demonstrates that BellSouth does not provide nondiscriminatory access to OSS, and that serious deficiencies in its systems have yet to be remedied.

6.   BellSouth has asserted that its systems are "regional in nature" and that it "uses essentially the same OSS" throughout its nine States. BellSouth Br., pp. 4, 53. The declaration of Jay Bradbury submitted by AT&T in this proceeding explains our basis for questioning aspects of that claim. If BellSouth's claim of regionality is accurate, however, then that merely

underscores that the third-party testing evidence pertinent to this proceeding must consist of all third-party testing evidence throughout BellSouth's region. Such testing has been conducted in two States -- Georgia and Florida. Thus, while BellSouth has sought to rely for third-party test data exclusively on the test conducted in Georgia, the third-party testing conducted in Florida -- of what BellSouth asserts to be the same systems -- is at least as material as the Georgia test to any assessment of BellSouth's OSS, to the extent BellSouth relies on the regionality of its systems to obtain Section 271 relief.

7.   As I will show, however, the Florida testing is in fact *more* material. Even the most preliminary review of the Georgia and Florida results to date would reveal a stark and striking fact: although BellSouth asserts it largely (but concededly not completely) satisfied the Georgia test, the Florida test has discovered a substantial number of highly significant OSS deficiencies across a range of major areas of examination, and is continuing to discover significant such deficiencies on an ongoing basis – months after the Final Report of the Georgia test was issued.

8.   The reason for this seeming discrepancy is not difficult to determine. Florida is conducting a substantially more comprehensive, rigorous and independent test. Most of the issues on which Florida is uncovering problems are not issues on which BellSouth's systems *satisfied* the testing in Georgia, but rather are issues that simply were never tested in Georgia at all.

9.   BellSouth asserts that not all third-party tests need to follow an identical "'cookie cutter' pattern," and that the substantial differences between the Georgia test results and the Florida test results do not "in and of themselves, make the Georgia test invalid." Stacy Aff., ¶ 598. That is of course true, but it misses the point. There is certainly no need for every State's

3

third-party test to be exactly the same. But when two States, testing what are alleged to be the same BellSouth systems, conduct tests of substantially different scope and character, that has at least two important implications for this Commission's analysis of the state of BellSouth's OSS.

10. First, the pool of evidence before the Commission in this proceeding includes all credible data from both tests. Such a broader factual record is particularly valuable where one test – in this case, Florida's – has been substantially more comprehensive and rigorous than the other. BellSouth acknowledges that "the scope of the Georgia test differs from the scope of the Florida test." Stacy Aff., ¶ 598. As a consequence, the features of the Florida test that were outside the scope of the Georgia test provide the Commission with the benefit of having evidence on matters on which there would otherwise be no third-party testing data at all. BellSouth has resisted addressing such evidence, and has attempted to dismiss the Florida test as irrelevant and to rely solely on the Georgia test. But if BellSouth's OSS really are regionwide, the fact that one test is from Georgia entitles it to no preferred status in this proceeding over a superior test from Florida in evaluating BellSouth's readiness for long-distance entry in Georgia and Louisiana.[1]

11. Second, where instead an important feature of BellSouth's systems has in fact been tested by both States and seemingly different results have been reached, it then becomes necessary to attempt to determine the reason for the difference and to identify which results are more reliable. Indeed, in such instances, the fact that two separate tests have been conducted provides the Commission with an extremely useful means, by comparing the methods and results of the two, of identifying flaws that might have impaired either of the tests. For example, as I

---

[1] In that regard, although the Final Staff Recommendation in Louisiana found BellSouth's OSS to be regional in nature, it did not discuss any of the results of the Florida third-party test.

will discuss in more detail below, the volume testing in Georgia – which BellSouth is said to have "passed" – did not test the actual production environment in which real-world orders would actually be made and processed, but rather occurred almost exclusively within a special "test" environment that had enhanced capacity. BellSouth asserted that it had constructed that test environment so that the test results from that environment could nonetheless be presumed to apply to an actual production environment. But when volume testing was conducted in Florida in the actual production environment (as is done in every third-party test other than Georgia's of which I am aware), BellSouth's systems quickly failed to meet the standard even at the very lowest levels of volume. Those results demonstrate not only that BellSouth's systems are not yet prepared to handle anticipated commercial volumes, but also that the presumption in Georgia that its test environment for the volume test actually mirrored the real-world environment was unwarranted.

12.   The remainder of this declaration is divided into two parts. In Part I, I examine several areas of testing in which the available evidence from Florida, Georgia, or both demonstrates substantial deficiencies and failures in BellSouth's systems that preclude a finding that BellSouth presently complies with the checklist. In particular, the third party testing has identified significant problems that have not yet been successfully addressed in the areas of volume testing, provisioning accuracy, change management, interface development, and billing.

13.   In Part II, I compare more broadly the features of the two third-party tests – such as the degree of independence afforded the tester, the degree of participation by CLECs that was permitted, and, most fundamentally, their relative comprehensiveness and rigor. Such a comparison shows that the Florida test has been substantially superior to the Georgia test. Indeed, of the 94 open exceptions and observations in Florida as of October 5, 2001, 60 of those

5

-- fully 64% -- are on matters that were *not even tested* in Georgia. The critical differences

between these tests are particularly important in light of the fact that the more comprehensive

Florida test has not yet been completed, that it is likely to uncover additional deficiencies in the

coming months on matters that were either not tested at all in Georgia or not tested adequately in

Georgia, and that the Commission is nonetheless being asked to grant BellSouth's application

before that evidence is even in.

I.   The Third-Party Tests From Florida And Georgia Demonstrate That BellSouth Does Not Yet Provide Non-Discriminatory Access To Its OSS.

14.   The results to date of the third-party testing conducted in Florida and Georgia

demonstrate that critical problems remain in several core areas of BellSouth's systems and

processes. In this section of my declaration, I will discuss the following such areas: (1)

BellSouth's ability to handle projected volumes of orders; (2) its provisioning accuracy; (3) its

change management processes; (4) its interface development; and (5) its billing processes.

15.   <u>Volume Testing.</u> The capacity of a BOC's systems to handle the anticipated

volumes of CLEC orders is of central importance to checklist item (ii). If a BOC's systems are

unable to handle the large number of transactions that competitive entry will generate, then there

could be failures across the entire range of OSS functions – pre-ordering, ordering and

provisioning, maintenance and repair, and billing. And if the systems break down or

performance is otherwise degraded as larger volumes of transactions are processed, then those

system weaknesses will place critical limits on the scope of competitive entry. CLECs will

either have to "gate" their marketing so as not to overload the BOC's systems, or will press

forward at the risk of substantial customer dissatisfaction and damage to their business

reputations.

16. A BOC's systems must therefore have sufficient capacity to meet the anticipated volumes of competitive transactions while performing at levels of timeliness and accuracy equivalent to those it provides to itself. Accordingly, the Commission has emphasized that proper third-party testing should include "normal" and "high" volume testing. Those tests should demonstrates the system's capacity to process both (a) "reasonable estimate[s of] daily order volumes" ("normal volume testing") and (b) "significantly greater than normal volumes" based on "forecasted demand" ("high volume testing"). *See* Letter of September 27, 1999 from Lawrence E. Strickling, Chief, Common Carrier Bureau, to Nancy E. Lubamersky on Third-Party Testing ("*Strickling Letter*"). The Commission has further emphasized that the testing should also include "stress tests" of volumes "significantly greater than the high volume test and be sufficient to identify potential weak points in the systems." *Id.*

17. When such volume testing was attempted in Florida, it had to be aborted after a single day because BellSouth's systems were unable to handle even the lowest level of volume testing.

18. Specifically, the Florida electronic volume test was designed to follow the model established in the *Strickling Letter*. It was to begin on August 18, 2001, with two days of normal volume testing, based on the volume of CLEC orders that were reasonably projected for June 2002. It was then to be followed by two days of peak or high volume testing, at 150% of the volume of transactions used for the normal volume testing. The test was then to conclude with up to a day of stress testing at 250% of the volume used for the normal volume testing.

19. However, the test was halted after a single day at normal volumes when BellSouth's systems proved unable to perform at acceptable levels. KCI then opened a series of exceptions relating to that failure, and exceptions remain open today. Exception 99 documented

the failure of BellSouth's Electronic Data Interchange (EDI) interface to meet the requisite standard, noting that "KPMG Consulting has not received fully mechanized responses to multiple Local Service Requests (LSRs) submitted to BellSouth's Electronic Data Interchange (EDI) interface."[2] Similarly, Exception 107 documented the corresponding failure of BellSouth's Telecommunications Access Gateway (TAG) interface, noting that "KPMG Consulting has not received fully mechanized responses to multiple Local Service Requests (LSRs) submitted to BellSouth's Telecommunications Access Gateway (TAG) interface."

20.   KCI likewise identified, in Exception 72, the failure of BellSouth's systems to respond to orders submitted manually (by facsimile). Indeed, BellSouth's performance on this measure grew progressively worse as it was retested. When the test was first performed on May 23, 2001, 15% of the KCI orders received no response; when it was performed again on May 31, 2001, 17% of the KCI orders received no response; and when there was a retest on August 28, 2001, the failure rate had climbed to 20%.

21.   As a result of the foregoing, the volume testing in Florida has been suspended while BellSouth attempts to improve its systems. The September 30, 2001 Monthly Status Report (Exhibit 2, p. 1) reports that the volume performance test is "on hold pending the resolution of open exceptions," and that "Exceptions 72, 99, 104, and 107 are open." *See* September 30, 2001 Monthly Status Report (Exhibit 2), p. 1.

22.   BellSouth's affiant, Mr. Stacy, does not address BellSouth's failure to date to satisfy even the lowest threshold of volume testing in Florida. Instead, he relies on the earlier results from the Georgia test. *See* Stacy Aff., ¶¶ 584-594. But the Georgia test, which had

---

[2] Exhibit 1 to this Declaration collects each of the 94 Exceptions and Observations in the Florida test that remained open as of October 5, 2001. Each of the Florida Exceptions and Observations

concluded several months *before* the failure in Florida, does not remotely call the Florida test

results into question; to the contrary, it is the Florida test that demonstrates the inadequacy of the

Georgia test. Preliminarily, the Georgia volume test was a limited one. The Georgia test did not

include any stress testing, and did not include all order types and interfaces. For example, the

Georgia volume test did not include partially mechanized and manual orders, and did not include

the GUI interfaces (LENS and Robo-TAG), or the repair interface (TAFI). But most

fundamentally, as Mr. Stacy concedes, the Georgia test, unlike the Florida test, was not

conducted in the actual production environment – ENCORE – which BellSouth uses for real

world orders *Id.*

23.   Instead, the Georgia volume test was conducted within a special test environment,

the Reengineered Services, Installation and Maintenance Management System ("RSIMMS").

KCI's senior partner on the testing engagement, Michael Weeks, had advised BellSouth that

"running the volume tests in something other than the production environment was not a[s]

strong a record as running that same test in the production environment . . . ." *See* Hearing

Transcript, *Investigation into Development of Electronic Interfaces for BellSouth's Operational*

Support Systems, Docket No. 8354-U (May 8, 2001) (testimony of Michael Weeks) ("Weeks

Testimony") (Exhibit 3), at 219:16-21. BellSouth nonetheless explained to Mr. Weeks that it

would run the test in the artificial environment because it did not want to incur the cost of

upgrading its production system. *Id*. at 213:13-23.

24.   BellSouth's artificial test environment was different in material respects from its

actual production environment. For example, RSIMMS has at least twice the capacity of the

production system. For all three applications that were at issue in Georgia -- TAG, LESOG, and

---

I cite or quote can be found in that Exhibit.

LNP -- the test environment possessed substantially more power than BellSouth's production environment. The RSIMMS TAG servers have 4GB of memory, while the ENCORE TAG servers only have 2GB of memory. This difference allows the RSIMMS TAG servers to "'deliver a 20% faster compute performance'" than the ENCORE servers. *See RSIMMS and ENCORE Systems Review*, Appendix to KPMG Consulting, *BellSouth Telecommunications, Inc. OSS Evaluation – Georgia: Master Test Plan – Final Report* ("*MTP Final Report*"), p. 7 (BellSouth Application, App. F – Ga., Tab 76). Similarly, the RSIMMS environment runs three LESOG servers, each of which possess a compute performance four to six times that of the two ENCORE LESOG servers. *Id.* at 7-8. And the combined compute capacity of the RSIMMS LNP servers is almost 100% greater than the combined capacity in ENCORE. *Id.* at 8.

25.   Moreover, there were other differences between RSIMMS and ENCORE that could likewise have made the results from RSIMMS more favorable than that which CLECs would actually experience in ENCORE. ENCORE is configured to run from a local area network ("LAN") across three data centers while RSIMMS is run from a wide area network ("WAN") within one data center. *See id.* at 5, 7. An inherent delay across BellSouth's LAN could negatively impact ENCORE's performance. *Id.*

26.   Furthermore, as KCI recognized, additional hardware and software had been created for RSIMMS specifically to support the specified test volumes. *Id.* at 7-8. KCI stated in its Final Report that this was not problematic because "the same changes could be made to the production environment." *Id.* at 5. But at the hearing conducted by the Georgia PSC, Mr. Weeks acknowledged that (1) the decision to use an artificial test environment rather than an actual production environment for the volume testing was unprecedented in his experience, and

(2) KCI's examination did not prove that BellSouth's actual production environment could pass the volume tests:

> Q: In fact, you can tell us of no other state in which you performed these tests in an artificial environment instead of the production system, is that correct?
>
> A (witness Weeks): There are none to my knowledge.
>
> Q: Let me follow up on Commissioner Durden's questions to you. Would you agree that the volume tests that you perform do not prove that BellSouth's regular production system, the ones that the CLECs will have to use, can currently pass the volume tests ordered by this Commission?
>
> A: The work that we did would not demonstrate either way whether they could or couldn't.
>
> Q: And would you agree that you have performed no test that assures that BellSouth could increase the capacity of ENCORE to a level necessary to pass the volume test?
>
> A: We have done no demonstration that that's true.
>
> Q: Have you done any tests to prove that during the process of upgrading ENCORE CLEC's operations would not be impacted?
>
> A: We've done no work on that at all.

Weeks Testimony at 226-227 (Exhibit 3).

27. Finally, the Georgia test did include other, highly limited volume testing within the production environment itself. But the Georgia volume testing within the production environment was not based upon a "reasonable estimate" of "daily order volumes," *see Strickling Letter*, as was the Florida test, but rather was based on the much more limited existing capacity of the production system itself. *See* Stacy Aff., ¶ 591 (the portion of the Georgia volume test conducted in the production environment was conducted "at then current system capacity"). The stated capacity for ENCORE is 5,800 pre-orders and 1,700 order per hour, while the forecast requirements for capacity at year-end 2001 are approximately twice as much: 11,800 pre-orders and 3,500 orders per hour. The volume testing in Georgia of the production

11

environment thus did not test the volume of orders actually anticipated, but instead tested a far smaller volume of orders that BellSouth's systems were thought to be able to handle.

28. In sum, the only volume testing conducted in BellSouth's actual production environment caused BellSouth's systems to fail at the very outset. The test that BellSouth "passed," by contrast, was conducted in an artificial environment in which the capacity had been enhanced. That record establishes that BellSouth's systems are not yet ready to handle the projected volumes of commercial orders.

29. Provisioning Accuracy. BellSouth has had extremely serious and pervasive problems with provisioning and service order accuracy that it has been repeatedly unable to correct. The Bradbury and Bursh/Norris Declarations detail the poor performance on service order accuracy exposed by BellSouth's performance measures. The third-party testing in both Florida and Georgia further confirms BellSouth's systemic deficit in this important area.

30. On October 1, 2001, KCI in Florida opened Exception 112. Exception 112 found that "BellSouth's systems or representatives have not consistently provisioned service and features as specified in orders submitted by KPMG Consulting." Specifically, of the 190 Customer Service Records ("CSRs") reviewed by KCI, only 54% were "updated . . . accurately." That means that CLEC customers would have only a slightly better than even chance of having their order information recorded correctly.

31. Moreover, KCI in Florida currently has eight other open exceptions and observations relating to provisioning. For example, Exception 76 reveals that in 27% of the situations in which lines were disconnected, BellSouth placed the wrong intercept message on the line – so that a customer that believed that callers to his or her former number would be given the new number to call would instead eventually discover that his or her callers had been told

12

that his or her number, for example, "has been changed to a non-published number" or "is being checked for trouble." Exception 84 found that "BellSouth failed to use the proper codes when provisioning switch translations," which would mean that services and features the customer requested to receive or to cancel would not be accurately provisioned or removed – a type of error that, KCI found, "will result in a decrease in customer satisfaction" and will "negatively impact a customer's view of a CLEC's ability to provide quality service."

32. The Georgia test likewise found serious problems with provisioning accuracy. In the letter transmitting its final report to the Georgia PSC, KCI stated that BellSouth failed to satisfy the evaluation criteria for, *inter alia*, "timeliness and accuracy of clarifications to partially mechanized orders" and "accuracy of translation from external (CLEC) to internal (BellSouth) service orders resulting in switch translation and directory listing errors." March 20, 2001 Letter from Michael W. Weeks to Leon Bowles (Exhibit 4), at 2. KCI further stated that "[i]t is our professional judgment that these evaluation criteria, which have been assigned 'Not Satisfied' results in the reports, could potentially have a material adverse impact on a CLEC's ability to compete effectively." *Id.*

33. KCI nonetheless noted that the Georgia Commission would "be able to monitor those issues on an ongoing basis through the performance measures and/or penalty plans in place . . ." *Id.* But KCI was simply mistaken on that point. There are no performance measures included in the penalty plan that address the accuracy of service orders.

34. BellSouth acknowledges that the deficiencies found by KCI in Georgia are genuine. *See* Stacy Aff., ¶¶ 513-521. Its only response, however, is to commit to providing its employees with "additional training." *Id.* That is obviously insufficient for purposes of this proceeding. Particularly where such substantial failures have been found in such a critical area,

and where previous efforts at training have repeatedly proven inadequate, a mere promise to engage in additional training provides no basis for believing that BellSouth has fixed, or even knows how to fix, the problem.

35.   Mr. Stacy separately addresses BellSouth's failure in the Georgia test on accuracy of partially mechanized orders. He asserts (¶ 445) that KCI has "overstate[d]" the impact on customers of this failure in two respects. First, he contends that if a local service request ("LSR") had multiple items on it, and only one of those items was incorrect – for example, noting incorrectly the long-distance carrier selected by the customer – it was improper for KCI to classify the LSR as inaccurate without reflecting the fact that some other portions of it were accurate. Under KCI's method, if 10 orders contained 15 line items each, and five of those orders contained a single error, such as incorrectly assigning the long-distance carrier, BellSouth's accuracy rate would be 50% (five out of ten). Under Mr. Stacy's proposed methodology, even though half of the customers would have been assigned to the wrong long-distance carrier, BellSouth's accuracy rate would be 97% (five out of one hundred and fifty).

36.   It is BellSouth, not KCI, that has misstated the customer impact. A customer expects his or her order to be provisioned correctly in its entirety. If the long-distance carrier has been incorrectly assigned, and the customer has to undergo the hassle of calling to have it corrected, he or she is not going to be comforted by the fact that the directory listing is not erroneous as well. That customer is going to regard the experience with the CLEC as a frustrating and disappointing one, and may well question whether it was worth the effort to switch carriers. To return to the example in the proceeding paragraph, the suggestion that BellSouth would deserve a *97% accuracy* finding in a situation in which *half* of the CLEC's

customers would have to make efforts to correct a mistake in their orders fundamentally underestimates the market impact of these failures.

37.   Second, Mr. Stacy contends that "[t]he customers' perception of their experience can be more suitably determined by looking at the metrics for Invoice Accuracy." Stacy Aff., ¶ 445. That is just not so. Numerous types of provisioning failures – such as an erroneous directory listing, or a service that was not provided -- would not be captured by those metrics.

38.   All the evidence on this important issue, from Georgia as well as Florida, is thus uniformly negative. Given BellSouth's persistent inability to improve its provisioning accuracy, despite extended criticism over a substantial period of time, there is absolutely no basis to assume that this serious problem will soon be fixed, and it is in any event clearly established that it has not been fixed to date.

39.   Change Management Process. The Commission has stated that "change management problems can impair a competing carrier's ability to obtain nondiscriminatory access to UNEs, and hence a BOC's compliance with § 271(c)(2)(B)(ii)." *Bell Atlantic New York Order* ¶ 103. The Commission has therefore indicated that it "will give substantial consideration to the existence of an adequate change management process and evidence that the BOC has adhered to this process over time." *Id.*, ¶ 102.

40.   Mr. Bradbury's Declaration details the many respects in which BellSouth has failed to establish or adhere to an adequate change management process. I will briefly discuss the several respects in which the third-party testing data confirm his analysis. In particular, the third-party testing results from Florida demonstrate that, at every stage of the process, CLECs' participation can be, and often is, unilaterally overridden by BellSouth. While the process permits CLECs to submit requests for changes, BellSouth retains ultimate control over which

15

changes are actually made, and exercises that control without any constraint from CLECs -- and, in many respects, without even any standards to guide it.

41.   First, Exception 88 indicates that BellSouth's process "does not allow CLECs to be involved in prioritization of all CLEC impacting Change Requests." While CLECs may of course submit their priority rankings of change requests to BellSouth, BellSouth's Release Prioritization Team may create its own rankings based on a variety of "additional factors," which, KCI found, "may result in one customer group having a disproportionate number of Change Requests ranked at the top of the master list." KCI concluded that "[t]he CLEC Community's lack of participation in change requests that effect CLEC business could result in change requests important to the CLEC Community not being developed or implemented in a timely manner," and that BellSouth's policy "inhibits one of the primary objectives of the CCP [Change Control Process] 'to allow for mutual impact assessment and resource planning to manage and schedule changes.'"

42.   Second, Observation 86 notes that, once these priorities are unilaterally established, BellSouth only supplies the thirty highest-ranking change requests to the BellSouth IT team. The prioritization from which CLECs are excluded can thus determine whether a particular proposed change is seen by the IT team at all. KCI noted that BellSouth was unable to provide any rationale for providing only the thirty highest-ranked changes to the IT Team, and concluded that BellSouth's policy "appears to limit the number of CLEC Change Requests that can be implemented."

43.   Third, Exception 106 found that, even after BellSouth has reprioritized the proposed changes, and has then arbitrarily provided only the top 30 to its IT team, "[t]he BellSouth IT Team does not have criteria to develop the scope of a Release Package." Such

criteria are necessary "to provide systematic, consistent, and repeatable implementation of change requests," and the absence of such criteria "may result in the BellSouth IT team overlooking and/or ignoring important change requests."

44.   BellSouth's change management process thus maintains the appearance of CLEC involvement without including any actually meaningful CLEC participation. In defending that process, BellSouth relies on the fact that the Georgia test did not criticize its change management processes, but that is because the Georgia test did not examine those processes. The Georgia test did not evaluate, for example, critical areas such as compliance with notification and documentation intervals in the change management process, the existence of a cooperative testing environment for changes, and demonstrated cooperation with CLECs in implementing change. Instead, KCI's evaluation process focused on the mere existence and dissemination of documentation describing the process, not on the appropriateness or adequacy of the process itself or on the timeliness and adequacy of implementation. *See* Weeks Testimony, p. 205:10-20 (Exhibit 3).

45.   Furthermore, BellSouth has explained the differences in the two States' results by noting that its Change Control Process has "evolve[d]" over time and that the version in place at the time of the Georgia testing was merely a "predecessor" of the version that was examined in Florida and that BellSouth uses today. NC Docket No. P-55, S-1022, Tr. (10/8/01) (McElroy Testimony) at 177:8-9, 179:13-23, 180:5-25) (Exhibit 5) ("McElroy Deposition Testimony"). If that is so, then the fact that Georgia's test did not result in criticisms of the now-superseded process is hardly relevant, particularly in light of the fact that Florida's test does demonstrate so many deficiencies in the process that BellSouth currently employs.

46.   Interface Development. One important aspect of change management is the

process through which a BOC works with CLECs in developing, testing, and releasing new

interfaces. The Commission has emphasized the need for "a stable testing environment to certify

that [the CLECs'] OSS will be capable of interacting smoothly and effectively with [the BOC's]

OSS, as modified," and has held that "prior to issuing a new software release or upgrade, the

BOC must provide a testing environment that mirrors the production environment in order for

competing carriers to test the new release." *Bell Atlantic New York Order*, ¶ 109. Thus, the

Commission has stated that third-party testing should evaluate whether the testing environment

satisfies these criteria. *See Strickling Letter*.

47.   The third-party tests in Florida included such an evaluation, and found

BellSouth's systems wanting. Amended Exception 6 found that "BellSouth lacks an appropriate

process, methodology, and robust test environment for testing of the electronic data interchange

(EDI) interface." In finding that CLECs "do not have an adequate test environment available,"

KCI found that CLECs were unable "to create valid electronic test transactions that will process

completely through BellSouth's ordering, billing and provisioning systems." Amended

Exception 6, p. 1. To the contrary:

> "In BellSouth's existing process, when a CLEC sends test
> transactions to BellSouth's test environment the transactions are
> not processed by either billing or provisioning systems. The only
> system generated confirmation is a Firm Order Confirmation
> (FOC), which indicates simply that an order was received and
> processed through the ordering system. The CLEC is not notified
> of the test transaction's success or failure by BellSouth's EDI
> systems directly. In a production environment, a Billing
> Completion Notice [BCN] and Provisioning Completion Notice
> [PCN] are system generated upon successful processing."

Id. As a consequence, "[c]urrent BellSouth testing methodology does not allow a CLEC to ensure that the test transactions generated by a CLEC's EDI system can be processed end-to-end by BellSouth systems successfully upon reaching the production environment." *Id.* at 2.[3]

48.   By contrast, there were no findings on this subject in Georgia because it was outside the scope of the Georgia test.

49.   Billing. The Commission has found that "[a]ccurate and timely wholesale bills" represent "a crucial component of OSS," because inaccurate or untimely bills "can impede a competitive LEC's ability to compete in many ways." *Verizon-Pennsylvania Order*, ¶ 23. Specifically, if the billing systems do not work properly, a competitive LEC must "spend additional monetary and personnel resources reconciling bills and pursuing bill corrections," "show improper overcharges as current debts on its balance sheet until the charges are resolved, which can jeopardize its ability to attract investment capital," and "operate with a diminished capacity to monitor, predict and adjust expenses and prices in response to competition." *Id.* It may also lose revenue because it "generally cannot, as a practical matter, back-bill end users in response to an untimely wholesale bill from an incumbent LEC." *Id.*

50.   There are currently two open exceptions in Florida, Exception 13 and Exception 83, that address billing usage records known as Daily Usage Files or DUF files. DUF files itemize daily usage records. Exception 13 was opened in February because BellSouth failed to provide Daily Usage File (DUF) file records in a timely manner. Exception 83 was opened in July because BellSouth was delivering duplicate DUF records, which could cause a CLEC to inaccurately bill its customers. There is also currently one open observation and six open

---

[3] The Bradbury Declaration discusses the inadequacies of BellSouth's test environment in further detail.

exceptions in the area of accuracy and timeliness of invoices provided to CLECs. Six of these deficiencies address billing inaccuracies. Exception 60, for example, found that BellSouth failed to cease billing when lines were disconnected.

51.   In the Georgia test, most of the billing analysis – 131 of the 137 tests in the billing test domain – required subjective determinations by KCI of the adequacy of BellSouth's performance rather than objective data analysis, and the results in Florida demonstrate that KCI's subjective determinations in Georgia are at the least open to serious question. Indeed, several areas that the Georgia test deemed resolved then became the source of subsequent problems in Florida. For example, Florida Exception 43 and Georgia Exception 103 both address the issue that BellSouth bills fail to reflect usage charges. The Georgia exception was closed on March 23, 2001, and the Florida exception was opened on April 4, 2001. Similarly, Florida Exception 13 and Georgia Exception 29 both address BellSouth's lack of timely delivery of daily usage records to CLECs. The Georgia exception was closed on August 4, 2000, and the Florida exception was opened on February 27, 2001. Most recently, on May 23, 2001, Florida Exception 62 was created due to BellSouth's incorrect charges for mechanized service ordering. This same rate had been part of Georgia Exceptions 16 and 124, which had been closed on April 6, 2001.

52.   A closer examination of some of the underlying billing-related data in the areas in which KCI in Georgia pronounced itself subjectively "satisfied," and KCI's rationales for giving BellSouth passing grades notwithstanding the contrary data, illustrates some of the problems with the Georgia test that led to the seeming discrepancy between the Georgia and Florida results. For example, KCI in Georgia initially identified significant concerns relating to the accuracy of usage information contained in BellSouth's Access Daily Usage Files ("ADUF") and

20

Optional Daily Usage Files ("ODUF"). Specifically, KCI's billing tests in Georgia showed that for test CLEC invoices, the expected usage did not match the Exchange Message Interface ("EMI") provided by BellSouth. *See* MPT Final Report at VI-A-23. KCI opened Exception 91 in connection with this problem.

53.   KCI then closed Exception 91, based not on any determination that the problem had been fixed, but based instead on BellSouth's promise to correct the problem in the future. KCI's closure report for Exception 91 states that "according to its response, BellSouth expects to implement a fix for the Billing and Interrupt charges on September 19, 2000. KCI's professional experience indicates that if properly implemented, BellSouth's proposed fix is likely to adequately address the issue identified in Exception 91." *See* Georgia Exception 91 (Exhibit 6). KCI never went back and determined whether the fix was implemented and, if it was, whether it successfully corrected the problem.

54.   Similarly, KCI found that service orders were "hung up" in the system, preventing usage from being delivered to CLECs. Nonetheless, KCI determined that tests BLG-2-1-2, BLG-2-1-10, and BLG-2-1-11, tests related to the accuracy and completeness of usage files, were satisfied even though BellSouth did not return six percent (6%) of the daily usage files.[4] KCI's conclusions that these tests were nonetheless satisfied appear from the test report to have been based on BellSouth's assurance that when these errors occur, CLECs would not be billed for the usage in question. *See* MTP Final Report at VI-B-15. But BellSouth's decision not to bill CLECs for the delayed and missing usage does not address the deficiency identified by KCI.

---

[4] BLG-2-1-2's evaluation criteria states, "for all scripted and completed test calls that should generate a DUF record, all expected DUF records are contained in the electronically delivered daily usage files." MTP Final Report at VI-B-14. BLG-2-1-10 concerns whether BellSouth's "[p]rocess includes procedures to ensure all relevant usage is received, validated and processed." *Id.* at VI-B-16. BLG-2-1-11 evaluated whether BellSouth's "[p]rocess includes procedures to ensure all usage is correctly reported." *Id.* at VI-B-17.

CLECs' profit, in part, is based upon the difference between what they pay BellSouth for usage

and the amount CLECs charge their customers for usage. Accordingly, if BellSouth does not

provide a CLEC some portion of its usage, then that CLEC cannot bill its customers. The

transaction is effectively eliminated -- along with CLEC profit.

II.   The Third-Party Testing In Georgia Was Substantially Less Comprehensive and Rigorous, And Its Results Substantially Less Reliable, Than The Tests That Are Ongoing Today In Florida.

55.   The Florida test has been substantially more rigorous than the Georgia test, and

continues to uncover problems in BellSouth's systems long after the Georgia test concluded.

That is not surprising, for the test in Florida has been characterized by greater independence on

the part of KCI and greater participation by affected CLECs, and as a consequence has been

substantially more comprehensive and rigorous.

56.   The weight that can reasonably be accorded the results of a third party's test of a

BOC's OSS is necessarily limited by the independence and objectivity of the test that generated

those results. *See Ameritech Michigan Order*, ¶ 216 (only "an independent evaluation of OSS

functions from an objective third-party may provide additional support demonstrating the

operational readiness of those OSS functions"). Third party test data is of little (and possibly no)

value if it cannot be demonstrated that the tester remained independent of, and insulated from

influence by, the BOC. That is why the Commission has, in previous section 271 proceedings,

insisted that the third-party test data upon which it is asked to rely have been generated by a test

that is "both independent and blind." *Bell Atlantic New York Order*, ¶ 99. The Georgia KCI test

was neither.

57.   KCI was hired by, and had a direct reporting relationship with, BellSouth in

connection with the Georgia test. As the Statement of Limiting Conditions in the Final Report in

Georgia, notes: "This report is provided pursuant to the terms and conditions of the consulting

contract between KPMG Consulting Inc. and BellSouth-Georgia." BellSouth

Telecommunications, Inc. OSS Evaluation—Georgia, Final Report, Statement of Limitations

("Statement of Limitations"). Indeed, it was precisely because of the obvious independence

concerns generated by this relationship – and its stark departure from the procedures designed to

ensure independence in New York and Pennsylvania – that the Florida commission rejected

BellSouth's proposal that Florida use the Georgia test data. As the Florida commission

explained:

> [w]hile BellSouth has advocated that we rely on the testing being
> conducted in Georgia, we are hesitant to do so because we have
> some concerns about the independence of that testing process.
> Instead, we believe that the process used in New York and in
> Pennsylvania is more appropriate for use in Florida. Under the
> New York DPS OSS testing "model," the state commission
> independently selects the third party tester and is the client in the
> engagement. Once the tester is selected, the state commission and
> the third party tester jointly develop the master test plan. The
> commission staff also play a strong role in monitoring and
> controlling the testing, which is vital to ensure independence and
> objectivity of the test. In contrast, BellSouth selected the third
> party tester and serves as the client in the Georgia engagement. It
> also developed or guided the development of the master test plan.

Notice of Proposed Agency Action Order on Process for Third Party Testing, Florida Public

Service Commission, In re: Consideration of BellSouth Telecommunications, Inc.'s entry into

interLATA services pursuant to Section 271 of the Federal Telecommunications Act of 1996,

Docket No. 960786-IL at 7 (Aug. 9, 1999).

        58.   BellSouth influenced both the design of the Georgia test and the reported results.

With respect to design, KCI concedes that it was not even involved in important test design

matters and does not describe *any* measures it took to prevent influence by BellSouth over test

design. In this regard, KCI concedes in the Statement of Limitations that it "inherited" a "Master

Test Plan" and "associated work-in-progress that had been performed by two third parties" which it never "independently verified." (Statement of Limitations.)[5] By controlling the scope, structure, and basic assumptions of the test, BellSouth was able to tailor the test to target specific elements or even entire categories of areas while avoiding others entirely.

59.   BellSouth also had access to important information from KCI during the test – including even interim drafts of the Georgia Final Test Report prior to its release – that was not provided either to the Georgia Commission or to CLECs. *See* Transcript of Deposition of Brian Rutter, North Carolina Utilities Commission, Docket No. P-55, Sub 1022 (Sept. 26, 2001) at 15:4-9, 16:10-17, 17:8-18:2, 18:19-19:13 (Exhibit 7). Moreover, BellSouth had unsupervised communications directly with KCI and used these communications to influence the KCI's resolution of observations and exceptions.[6] KCI was willing to accept information or explanations from BellSouth without independent verification of accuracy or completeness. As Michael Weeks, KCI Managing Director, confirmed, "[i]f we have characterized something as, 'BellSouth has stated,' and didn't follow that up with some words to we tested or didn't test that, then the absence of that wording would suggest we just left it." *See* Transcript of Deposition of Michael Weeks, Georgia Public Service Commission, Docket No. 8354-U, May 4, 2000 at 127:2-6. (Exhibit 9). BellSouth's unverified statements concern the very thing KCI was to test—

---

[5] KCI continues to distance themselves from the MTP on page II-3 of the Final Report: "KPMG agreed to assume responsibility for execution of the tests stipulated in the MTP, but not for the design of the MTP itself." MTP Final Report at II-3.

[6] For example, KCI and BellSouth disagreed over whether BellSouth's gateway should provide certain types of mechanical attribute validation. *See* McElroy Deposition Testimony at 133:9-136:18 (Exhibit 5). KCI believed such validation was necessary and issued two exceptions related to this issue. BellSouth disagreed with KCI's determination. *Id.* at 134. After a change control meeting in which this system change was not prioritized, BellSouth directed KCI to change its not satisfied assessment to satisfied. *Id.* at 134-136. In his deposition, Mr. McElroy explained that this communication would have been impermissible in Florida. *Id.* at 136.

performance of BellSouth's OSS systems. An independent tester would not rely on assumptions that go to the very heart of its testing responsibilities.

60.	The Florida Commission, as in New York (*see New York Order* ¶¶ 99 & 100), prohibited BellSouth from receiving information from the tester that is not also available to the commission and competing carriers. And, in a laudable effort to maintain the integrity of the OSS testing, the Florida Commission determined that BellSouth and KCI cannot discuss the clarification of *any* observations or exceptions unless a member of the Florida Commission's Staff is also present. And even these monitored discussions cannot include any discussion on the resolution of the observation or exception. Rather, such discussions are reserved for weekly calls in which CLECs participate.

61.	A comparison of the opportunities for CLEC participation (or the lack thereof in Georgia) should also be an important consideration in determining which test results to credit. In other states, such as New York, where KCI has served as the third-party tester, CLECs were invited to participate in conference calls between the tester and BA-NY. As the Commission found, this openness bolsters the credibility and the reliability of third-party test results. In Georgia, the process was very different. Initially, CLECs were only allowed to file comments on interim status reports. In February 2000, a single weekly status call in which CLECs could participate was added to the Georgia test. However, test planning and administration activities and decisions were made largely in a closed environment.

62.	The Florida third-party test is much more open and participatory than the Georgia test. Throughout the testing process, CLEC involvement has been encouraged and utilized. For example, CLECs extensively participated in shaping the Florida OSS test design by submitting written comments to the Florida Commission and attending Commission-sponsored workshops.

CLECs are also included in three different weekly conference calls (a status call, an observation call, and an exception call) among BellSouth, the Commission, and KCI. These calls permit CLECs to substantively discuss exceptions and observations opened by KCI with the Commission and BellSouth and also provide an opportunity for CLECs to recommend additional testing items or suggest changes to communication methods. These calls are made even more meaningful because KCI provides CLECs access to observation and exception reports at the same time it provides access to BellSouth and provides CLECs access to written weekly status reports and timely, detailed project plans. This information greatly facilitates effective CLEC participation.

63. In light of the foregoing, it is not surprising that the Florida testing has been substantially more comprehensive than the Georgia testing, examining many areas that were disregarded in Georgia and conducting all its assessments with significantly more rigor. As of October 5, there were 94 open exceptions and observations in Florida. Sixty of those – 64% of the total – are on matters that were never tested in Georgia. Moreover, Florida exceptions and observations continue to be opened; during the first week of October, KCI issued 3 observations and 5 exceptions in Florida. A chart summarizing the Florida observations and exceptions, and identifying which involved areas that were never the subject of testing in Georgia, is attached as Exhibit 8.

64. Some examples will illustrate the disparities between the two tests. For example, KCI in Georgia failed to test the current interfaces actually used by CLECs. It failed to evaluate the current production version of certain ordering interfaces – the OSS99 version of EDI and TAG – despite the fact that over 80% of current CLEC transactions are conducted using OSS99 software. Nor did KCI evaluate any other versions of some other key interfaces, such as Robo-

TAG and LENS, which is currently the most popular interface – accounting, according to BellSouth's August flow-through report, for 65% of the total of all electronic Local Service Requests submitted in the region.

65.	BellSouth's affiant, Mr. Stacy, attempts to trivialize this enormous gap in the Georgia testing on the ground that systems are constantly evolving and any test necessarily is going to represent a "snapshot in time." Stacy Aff., ¶ 602-603. But that generality does not remotely justify the failure in Georgia to test the interfaces CLECs actually use. This was not a case in which the new interface was released shortly before the test was about to conclude. To the contrary, OSS99 was first implemented in two phases, in December 1999 and January 2000, and functional testing of ordering in Georgia had begun only one month earlier, in November 1999. *See* MTP Final Report, at V-A-34 n.1. However, BellSouth refused to modify its test to include OSS99 despite the fact that the test continued *for another 15 months* after OSS99 implementation.

66.	Florida's experience further demonstrates that there was nothing impractical about testing the interfaces that CLECs were actually using. Florida modified its test to examine new products and services as they became available, and tested the current version of OSS99 used for all three interfaces – LENS, EDI, and TAG. In its September 30, 2000 Monthly Status Report, for example, KCI noted that it was "preparing for an additional billing retest . . . in conjunction with BellSouth billing infrastructure changes." September 30, 2000 Monthly Status Report, p. 3 (Exhibit 2).

67.	Similarly, while this Commission has stated that it is critical for BOCs to provide access that permits CLECs "to perform [OSS] functions in 'substantially the same time and manner'" as BellSouth, *SBC Kansas/Oklahoma Order*, ¶ 104, KCI only tested parity in two areas

in Georgia: Maintenance and Repair Process Evaluation (Test M&R10 of the GMTP) and xDSL

Process Parity Evaluation (Test PO&P 16 of the GSTP). By contrast, the Florida third-party test

is evaluating nine additional process parity tests: Order Flow-Through (Test TVV3); Account

Management (Test PPR2); Training (Test PPR4); Provisioning Process; (Test PPR9); Billing

Work Center (Test PPR 10); Bill Production (Test PPR11); and Functional Review of Pre-Order,

Ordering, and Provisioning (Test TVV1); Manual Processing of Orders (PPR7); and Capacity

Management. These nine process parity tests being conducted in Florida include areas that go to

the heart of CLECs' ability to complete.

68.   In multiple other core areas, Georgia failed to evaluate systems and performance

issues that were or are being scrutinized in Florida. For example, KCI in Georgia evaluated only

six UNEs for ordering, provisioning, and billing activities, omitting such key UNEs – currently

being examined in Florida – as digital UNEs, enhanced extended links ("EELs"), customized

routing of operator services and directory assistance, and line-sharing. Georgia also focused on

automated systems and disregarded critical manual systems and processes that support and

complement those automated systems, and that are likewise being examined in Florida.[7] Nor did

Georgia evaluate the adequacy of BellSouth's documentation for designing and building OSS

interfaces, in contrast to the Florida test – where KCI was required to build interfaces based on

---

[7] These manual systems include Account Establishment and Management Verification and
Review; OSS Interface Help Desk Functional Review; CLEC Training Verification and
Validation Review; Collocation and Network Design Verification and Validation Review;
Manual Order Process; Work Center Support Evaluation; Provisioning Process Evaluation;
Billing Work Center Evaluation; Maintenance and Repair Work Center Support Evaluation; and
Network Surveillance Support Evaluation. The failure to evaluate BellSouth's manual support
systems is especially problematic here, because for two of the areas in which KCI concluded that
BellSouth did not satisfy the test in Georgia – accuracy of rejects and clarifications, and accuracy
of switch translations – BellSouth blamed errors by personnel in the Local Carrier Service
Centers for the poor results.

the interface documentation BellSouth prepared for CLECs. And Georgia's evaluation of

performance measures did not include numerous important elements being examined in Florida.[8]

69.   Georgia also failed to analyze BellSouth's practices and policies for establishing

and managing account relationships. *See Bell Atlantic New York Order*, ¶ 97 (noting that KPMG

in New York evaluated "[a]ll stages of the relationship between Bell Atlantic and competing

carriers . . ., from establishing the initial relationship, to performing daily operations, to

maintaining the relationship")   Florida is conducting such an analysis. For example, Florida

Test PPR2 evaluates BellSouth's policies and practices for establishing and managing CLEC

account relationships. KCI is evaluating these relationships to determine their adequacy,

completeness, and compliance with stated BellSouth policies and procedures. Additionally, to

the extent specific retail analogs were identified, the test is designed to compare BellSouth's

wholesale and retail performance for parity. KCI in Florida currently has one open observation

and one open exception regarding Test PPR2.

70.   In addition to its failure even to look at many items of competitive significance,

the Georgia test was often conducted with insufficient rigor even as to the features that were

examined. I set forth in the following paragraphs four illustrative examples.[9]

71.   First, in testing the timeliness of BellSouth's responses to orders, KCI in Georgia

did not test at the level of disaggregation ordered by the Georgia PSC. The Georgia Commission

---

[8] For example, Georgia did not examine local number portability measures; did not examine processes for developing service quality measurement definitions and standards; did not make a data integrity assessment of CLEC and retail transactions end-to-end through the data filtering process; did not assess the adequacy and appropriateness of BellSouth-provided measures; did not examine test metrics based upon a collaborative process with a series of comments and workshops, and did not conduct a comparison of test metrics results to CLEC results.

[9] In a separate declaration, Robert M. Bell addresses the problems with KCI's use of statistical methodology to evaluate test results in Georgia.

specified objective standards by disaggregation levels to be used in performing the third-party

test: (a) 2-wire loop-Design; (b) 2-wire loop-Non Design; (c) 2-wire loop with INP-Design;

(d) 2-wire loop with INP-Non Design; (e) 2-wire loop with LNP-Design; (f) 2-wire loop with

LNP-NonDesign; (g) INP (Standalone); (h) LNP (Standalone); (i) switch port; (j) loop and port

combination; (k) local interconnection trunks; and (l) local transport. *See* Order Adopting

Standards and Benchmarks, *In re: Investigation into Development of Electronic Interfaces for

BellSouth's Operational Support System*, Dckt. No. 8354-U (June 6, 2000). KCI's results in

Georgia aggregated across these service types, and thus masked deficiencies in areas of

importance to competition.

72.   KCI offered no explanation for this action. It admitted that it failed to construct a

test "with the level of disaggregation specified in the June 6 Order," and that there was no reason

why it could not have done so. *See* Weeks Testimony at 82:21-23, 76:19-22 (Exhibit 3). As a

result of this failure, BellSouth satisfied certain tests even though it did not meet the Georgia

PSC's standards for important order types. For example, when evaluating whether BellSouth

delivers timely error and clarification notices on orders, KCI initially tested no 2-wire loops with

local number portability ("LNP"). *See* MTP Final Report at V-A-34. In the first retest, KCI

evaluated thirty-four orders for 2-wire loops with LNP. On those transactions, BellSouth failed

to meet the Georgia PSC's standards for order clarification and error notices for either fully

mechanized or partially mechanized orders. *Id.*[10] Nonetheless, based on the summary data for

---

[10] The Georgia PSC's standard is 97% received within one hour for fully mechanized
transactions. For fully mechanized orders, BellSouth returned order clarification and error
notices within one hour for only 62% of 2-wire loops with LNP-Design and only 71% of 2-wire
loops with LNP-Non Design. The Georgia PSC's standard for partially mechanized orders is
85% received within 24 hours. For partially mechanized orders, BellSouth returned only 56% of

partially mechanized orders across all service types, KCI determined that BellSouth had satisfied

the Georgia Commission's standard for timely error and clarification notices for partially

mechanized orders.[11] Accordingly, KCI concluded that BellSouth had satisfied the test even

though the test results reveal that BellSouth did not satisfy the Commission's standard for timely

order and clarification notices for orders that allow a customer to keep his or her own phone

number when switching carriers.[12]

      73.   Second, the test also masked deficiencies in other systems. KCI designed pre-

order timeliness queries to evaluate various BellSouth back-end systems. *See* Weeks Testimony

at 55:6-13 (Exhibit 3).   In evaluating those back-end systems, however, KCI did not confine its

reporting and analysis to the time it took the systems to process queries. Instead, KCI included

in the analysis queries that were rejected at the gateway, before they entered BellSouth's back-

end systems. *See id.* at 56:15-20. But the time for processing queries that are rejected at the

gateway is generally shorter than the time for processing queries that actually enter BellSouth's

---

2-wire loops with LNP-Design within 24 hours and only 60% of 2-wire loops with LNP-Non Design.

[11] Even using summary data, BellSouth could not satisfy the Commission's standard for fully mechanized error notices. *See* Final Report at V-A-12 (O&P-1-3-2a).

[12] KCI in Georgia also did not perform its evaluation to the required levels of disaggregation when testing firm order confirmation ("FOC") timeliness. When evaluating FOC timeliness, KCI initially tested fifteen 2-wire loops with LNP and three LNP standalone orders. *See* MTP Final Report at V-A-41-42. In the first retest, KCI evaluated twenty-six 2-wire loops with LNP and fourteen standalone LNP orders. *See id.* at V-A-43-46. After this first retest, based on summary data aggregated across all service/activity types, KCI determined that BellSouth had met the Commission standard of 85% of FOCs returned within thirty-six hours for orders that did not flow through. The disaggregated view, however, reveals that no orders for 2-wire loops with LNP and no orders for standalone LNP were included in this evaluation of non-flow-through orders. Thus, again, this test does not reveal that BellSouth has satisfied the Commission's standards for FOC timeliness for non-flow-through orders when the orders are ones that permit customers to keep their own phone numbers when switching carriers.

back-end systems. *See id.* at 58:7-20. As a result, including response times for queries that were rejected at the gateway reduced the average time for processing queries and masked the actual performance of BellSouth's back-end pre-order systems.

74. Third, while KCI in Georgia claimed to have evaluated the "availability" of BellSouth's pre-ordering and ordering systems and further claimed that BellSouth had satisfied that test, *see* MTP Final Report at IV-A-10, V-B-7, the manner in which KCI conducted that test could not have demonstrated whether BellSouth's systems were functionally available. KCI kept contact with BellSouth's systems through a process called "pinging." Pinging is simply a method for determining if electronic connectivity exists between two systems. It therefore does not reveal whether BellSouth's systems were functionally available, as is required by the SQM business rules for the measurement of OSS availability. In short, all KCI's test determined was whether the phone rang; it did not measure whether anyone was there to answer the phone.

75. Fourth, the Georgia test of BellSouth's ability to return completion notices was likewise badly flawed. Six Georgia tests related to BellSouth's ability to return completion notices. Tests O&P-1-2-1, O&P-1-3-4, and O&P-1-4-4 tested, respectively, whether BellSouth provided an expected response, whether BellSouth's response was timely, and whether the response was accurate and complete for EDI. Tests O&P-2-2-1, O&P-2-3-4, and O&P-2-4-4 tested the same things for TAG. BellSouth did not satisfy all of these tests.

76. For O&P-1-2-1 and O&P-2-2-1, KCI determined that BellSouth did not satisfy the test criteria because BellSouth did not return 14% of completion notices for EDI and did not return 16% of completion notices for TAG. Then, when evaluating whether the completion notices were timely (O&P-1-3-4 and O&P-2-3-4), KCI reached a conclusion of "no result determination made." MTP Final Report at V-A-16 & V-B-16.

77.   Nonetheless, KCI somehow concluded that BellSouth had satisfied the tests on whether completion notices were accurate and complete (O&P-1-4-4 and O&P-2-4-4). These three separate determinations on tests that were part of the same evaluation process make no sense. A determination that BellSouth satisfied the criteria for returning accurate and complete completion notices should not follow a determination that BellSouth failed to return approximately 15% of the completion notices at all and that KCI could not determine whether the ones BellSouth did return were timely.[13]

78.   Finally, I note that the Georgia test is not even complete yet, leaving important performance data accuracy issues unresolved. As is explained in the Bursh/Norris Declaration, KCI is still conducting a "metrics evaluation" concerning the performance measures issues for which exceptions were opened. In addition, the Georgia PSC has requested a separate audit of BellSouth's SQM and enforcement metrics. KCI had originally planned to complete that audit by the end of September, but now expects that it will not be completed until the end of the calendar year – and that assumes that KCI's evaluation does not discover any further deficiencies.

CONCLUSION

79.   The cumulative third-party testing data makes clear that BellSouth's systems and processes continue to suffer from serious deficiencies, and that BellSouth remains unable to offer nondiscriminatory access to those systems and functions. The Florida tests in particular paint a

---

[13] Moreover, despite KCI's findings of "satisfied" for O&P-1-4-4 and O&P-2-4-4 in Georgia, KCI opened an exception because BellSouth's completion notices were inaccurate. It then closed that exception based on BellSouth's representation that a correction would be implemented in a *future* software release. But KCI never retested BellSouth's correction.

devastating picture of systems and process problems that create serious obstacles to competition and that have not yet remotely been fixed, and additional such problems are likely to be uncovered as the Florida tests continue. Moreover, even the much less comprehensive and rigorous Georgia tests uncovered significant areas, such as provisioning accuracy, in which BellSouth's systems and processes are not yet able to achieve the requisite standards. These third party tests foreclose any finding that BellSouth currently is able to provide nondiscriminatory access to network elements.